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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) TS01-285	
I hereby certify that this correspondence (and anything referred to as being transmitted herewith) is being facsimile transmitted to the United Patents & Trademark Office (Fax No. 571-273-8300) on the date, shown below on <u>December 30, 2005</u> Signature <u><i>Maria E. Provencio</i></u> Typed or printed name <u>Maria E. Provencio</u>		Application Number 09/934,549	Filed 08/23/2001
		First Named Inventor Lin Cheng	
		Art Unit 3637	Examiner Hanh Van Tran
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>36,593</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		<u><i>Mark J. Marcelli</i></u> Signature Mark J. Marcelli Typed or printed name 619-744-2243 Telephone number Date _____	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Brief filed 12/30/2005

Attorney Docket No.: TS01-285
N1085-90132

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CENTRAL FAX CENTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 02 2006

In re application of: **Lin Cheng**

Examiner: **Hanh Van Tran**

Serial No.: **09/934,549**

Group Art Unit: **3637**

Filed: **08/23/2001**

Confirmation No.: **9167**

For: **RETICLE BOX TRANSPORT CART**

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Date: December 30, 2005


Maria E. Provencio

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

This Pre-Appeal Brief Request for Review is being filed along with a Notice of Appeal and in response to the final Office action dated July 29, 2005 and the Advisory action mailed November 1, 2005. A Petition for a 1-month Extension of Time and the appropriate fee, are filed herein.

10

I. Arguments

Claims 1-2 and 4-7 are not subject to rejection under 35 USC § 103(a).

In Paragraph 9 of the subject Office Action, claims 1-2 and 4-7 were rejected under 35 USC § 103(a) as being unpatentable over USP 4,999,671 to Iizuka in view of

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Germany 4,330,434 to Nolke and Germany 3,917,874 to Seibert, et al, hereinafter "Seibert". Applicants respectfully submit that these claim rejections are improper and the claims are not obvious in view of the references because the references provided by the Examiner do not teach or suggest the features that are claimed and which the

5 Examiner contends the references teach or suggest.

The rejected claim set includes independent claims 1 and 4. Independent claim 1 recites the features of:

"shock absorbers"

10 "cushioning units being arranged over the surface of said component box support units"; and

the component box supports being inclined with respect to the lower plane of the transport cart; i.e., "(4) a cross section between a plane comprising said Y and Z axis and said plane of said component box support units forming a line, said line being parallel with a line created by rotating said positive Y direction in a clockwise direction when facing said plane comprising said Y and Z axis, said rotation being over a displacement of degrees of rotation;"

Similarly, independent claim 4 recites the features of "shock absorbers";
20 "cushioning units"; and the "component box support units being mounted in a plane, said plane of said component box support units slanting in a downward direction with respect to a plane of said platform".

The claimed invention is distinguished from the references of record due to the aforementioned features. The reference of Iizuka does not disclose or suggest

25 a) shock absorbers,
b) cushioning units, or
c) the plane of the box support units inclined or slanting in a downward direction with respect to the plane of the platform of the component transport cart.

30 Iizuka, in fact, does not disclose any **shock absorbers**. No mention is made of shock absorbers in Iizuka and the Examiner has not pointed out any particular feature alleged to be a shock absorber. The Examiner merely states "Iizuka discloses a component transport cart comprising all the elements recited in the above claims

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including . . . (5) shock absorbers being mounted between the wheels and the bottom surface of the upper portion" July 29, 2005 Office Action, page 4, lines 8-14. Applicants disagree and point out that lizuka does not illustrate or suggest shock absorbers. The Examiner does not and cannot identify a particular feature that is a shock absorber--
5 because such is not present in lizuka. Moreover, the German reference of Nolke further does not disclose or suggest shock absorbers. Nolke simply provides a superstructure (1) that is detachably mounted over a chassis. The chassis and superstructure are not fixedly connected to one another in Nolke. Nolke discloses that the superstructure is secured in the chassis against lateral shifting by means of fixing projections, recesses
10 and shoulders. Nolke makes no suggestion of the described mobile cabinet having shock absorbers. The Examiner does not suggest that the reference of Seibert discloses shock absorbers. Seibert, in fact, does not disclose shock absorbers.

Independent claims 1 and 4 are not subject to rejection as being obvious under 35 USC § 103(a) because the references offered by the Examiner do not teach or
15 suggest the claimed feature of a *shock absorber*. Independent claims 1 and 4 are distinguished from the references of lizuka in view of Nolke and Seibert.

Each of independent claims 1 and 4 also recites the feature of **cushioning units** and neither of the references of lizuka, Nolke, or Seibert disclose or suggest cushioning units. Applicants respectfully disagree with the Examiner's characterization of lizuka's:
20 "cushioning units 23, 25", arranged over the surface of the component support units. Features 23 and 25 of lizuka are clearly ROLLERS; not cushioning units. Applicants respectfully submit that rollers are not inherently cushioning units: in fact; they are clearly distinguished. The Examiner has not offered any evidence to support his apparent position that rollers are a cushioning unit. In fact, lizuka takes time to provide
25 rather detailed descriptions of his arrangement and makes no suggestion that roller arrays 23 and 25 serve any other purpose: "arrangement for detachably holding each cassette holder 5 includes arrays of rolls 23 and 25; a moveable frame 24 for supporting the roller arrays 23 and 25; a library housing portion 26 which functions also as a guide rail; a stopper mechanism 27 mounted on the frame 24 and operable to prevent jounce

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of the cassette holder 5 within the library; a role 28; and a stopper 29 operable to hold the cassette holder” lizuka, column 8, lines 14-21. Jouncing is prevented because the cassette holder 5 ROLLS over the roller array 23, 25, not because it is cushioned by it. The claimed cushioning units of claims 1 and 4 thereby distinguish Applicant’s
5 invention from the reference of lizuka. The Examiner has not upheld the burden of providing a reference that discloses or suggests the claimed feature of “cushioning units”. The German references of Nolke and Seibert do not make up for this deficiency of lizuka as they do not disclose or suggest cushioning units as apparently conceded by the Office Action which does not allege that Nolke or Seibert teach or suggest
10 cushioning units. Therefore, claims 1 and 4 are further distinguished from the references of lizuka, Nolke, and Seibert, taken alone or in combination.

Each of independent claims 1 and 4 also recite the feature that the box supports are **inclined** with respect to the lower plane of the transport cart, this feature pointed out using different claim language as reproduced above. The downward slant secures the
15 reticle box in position and provides the advantage of a reduced likelihood that boxes will slide out of the moveable cart during transport. The references of lizuka, Nolke and Seibert, do not disclose or suggest this feature as apparently conceded by the Examiner by the absence of any allegation that either lizuka, Nolke or Seibert teach or suggest this advantageous feature, alone or in combination. Independent claims 1 and 4 are
20 therefore further distinguished from the references of lizuka, Nolke and Seibert, taken alone or in combination.

Claims 1 and 4, and also dependent claims 2 and 5-7, are therefore not subject to rejection as claims 1-2 and 4-7 are in allowable form.

In paragraph 10 of the Office Action, claims 3 and 8 were rejected under 35
25 U.S.C. § 103(a) as being unpatentable over lizuka, as modified and applied to claims 1 and 4 and further in view of U.S. Patent 6,421,113 to Armentrout. Applicants submit that claims 3 and 8 are not subject to rejection under 35 USC § 103(a) because they

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incorporate distinguishing features neither taught nor disclosed by the identified references.

Claims 3 and 8 depend from claims 1 and 4, respectively, which are distinguished from Iizuka for reasons set forth above. The cited reference of Armentrout has apparently been relied upon for teaching that it is well known in the reticle carrier industry/field to manufacture the reticle carrier using Anti-Electrostatic Discharge materials in order to prevent ESD damage to the reticle. Armentrout therefore does not make up for the above-stated deficiencies of Iizuka and therefore the rejection of claims 3 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Iizuka in view of Armentrout is improper. Claims 3 and 8 are also in allowable form.

II. Conclusion

Applicants submit that this case is appropriate for a pre-appeal brief conference as there are clear legal deficiencies in the obviousness rejections set forth in the Office Action. The Examiner does not contend that it would be obvious to add features deficient from the references but, rather, that the references include such features. Applicants respectfully traverse. The claims contain features not taught or suggested by the references provided by the Examiner. A pre-appeal brief conference is therefore requested and allowance of this application is earnestly solicited.

The Assistant Commissioner for Patents is hereby authorized to charge any fees or credit any excess payment that may be associated with this communication to deposit account 04-1679.

Dated: 30 DECEMBER 2005

Respectfully submitted,


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